REMARKS

Claims 1 – 12 are presently pending. With the current Response, Applicant amends claims 1 - 3. No new matter is introduced.

INFORMAL DRAWING

The Examiner indicates that that drawing was determined to be informal. As Applicants believe a formal drawing was filed with the Application, Applicants respectfully request that the Examiner provide additional explanation.

REJECTION UNDER 35 U.S.C. § 101

Claims 1 - 3 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Examiner suggests that the claims are not limited to language within the technological arts. Applicants amend claims 1 –3 to more explicitly claim features of a method for providing advertising information in a digital contents distribution system, an advertising server for providing such advertising information, and a computer readable program medium to be executed by the advertising server, respectively, and respectfully request therefore that this rejection be withdrawn. Support for the amendments may be found, for example, in Applicants specification at page 6, line 9 through page 8, line 22, at page 11, line 16 through page 12, line 21, and at page 13, lines 10 – 24.

REJECTION UNDER 35 U.S.C. § 103

Claims 1 – 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S.

Patent No. 5,892,900 to Ginter et al. Applicants amend claims 1 – 3 as indicated above, and

respectfully traverse this rejection.

In independent claims 1 – 5 and 12, Applicants disclose an in-contents advertising

method and distribution system, the system including a digital contents server storing a plurality

of digital contents to be provided, an advertisement information server storing advertisement

information which is to be set in advertisement areas of digital contents, and a plurality of user

terminal devices. In response to download requests for specific digital contents from users, the

digital contents server forwards an identifier of the digital contents and an identifier of the user to

the advertising information server; and the advertising information server returns selected

advertising information to the digital contents server for insertion in the digital contents. The

selected advertising information is selected by the advertising information server based on the

digital contents identifier and the user identifier. Using this system, the advertiser is able to

selectively control advertising content for each individual download of digital contents to users

at the time of downloading.

Ginter discloses a secure transactions system featuring a distributed virtual distribution

environment (VDE) for enforcing certain handling and control protocols (see, e.g., abstract of

Ginter). This system for example enables authors to provide content to a video production

studio, which can be downloaded on demand by a consumer in a secure manner (see, e.g., FIGs.

1 and 72B – D of Ginter). The system of Ginter provides means for consumers to pay for the

downloaded content.

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Unlike Applicants' claimed invention, however, Ginter fails to disclose or otherwise suggest a system and method by which <u>advertising</u> may be <u>selected by an advertiser</u> for distribution to a consumer by <u>integration with digital content</u> requested by the consumer, where the <u>selection and integration are performed at the time of the request and the selection is based on a digital contents identifier and a consumer identifier.</u>

Accordingly, Applicants respectfully submit that independent claims 1 – 5 and 12 are not made obvious by Ginter. As claims 6 – 11 depend from allowable claim 4, Applicant further submit that claims 6 – 11 are allowable for at least this reason.

CONCLUSION

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 1 - 12, consisting of independent claim 1 – 5 and 12 and the claims that depend therefrom, stand in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Respectfully submitted,

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